

Minutes of the meeting of Licensing sub-committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Thursday 19 December 2019 at 10.00 am

Present: Councillor Alan Seldon (chairperson)
Councillors: Paul Andrews and Jeremy Milln

Officers: Legal advisor to the licensing sub-committee, licensing technical officer, principal licensing officer, principal trading standards officer

63. APOLOGIES FOR ABSENCE

No apologies for absence were received.

64. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

65. DECLARATIONS OF INTEREST

There were no declarations of interest made.

66. REVIEW OF A PREMISES LICENCE IN RESPECT OF: RAZI MINI MARKET, 100 WIDEMARSH STREET, HEREFORD. HR4 9HG CALLED BY HEREFORDSHIRE COUNCIL AS THE LICENSING AUTHORITY - LICENSING ACT 2003

Members of the licensing sub-committee from the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

The principal licensing officer presented the report.

The sub-committee heard from licensing technical officer who had launched the review of the premises licence as the licensing authority. The following points were highlighted:

- There was a mandatory condition on the premises licence which stated that a designated premises supervisor (DPS) should be appointed before sales of alcohol could be undertaken.

This requirement had been ignored and there were photographs attached to the agenda pack which showed alcohol on sale prior to the licence had been varied to confirm the identity of the DPS.

- An application to vary the premise's DPS was received on 9 September 2019 and the varied premises licence was granted on 24 September 2019.
- West Mercia Police had conducted a number of visits to the premises and noted a number of non-compliances with the conditions of the premises licence.
- The licensing authority had written to the premises licence holder on three occasions with regard to the breach of the premises licence conditions.

- The premises licence holder had refused to engage with either the licensing authority or West Mercia Police.
- The licensing authority had launched a review of the premises licence on 15 October 2019 and sought the revocation of the licence on the grounds that the premises licence holder continued to not comply with the conditions and therefore was failing to uphold the licensing objectives particularly those of prevention of crime and disorder and the protection of children from harm.
- The first time the premises licence holder had engaged with the licensing authority was a couple of days prior to the sub committee meeting due to be held on 28 November 2019 to request an adjournment.
- The licensing authority had requested that West Mercia Police and Trading Standards appear before the sub committee as they were supportive of the review of the licence. Their views were:
 - There had been 12 visits by West Mercia Police between August and October and there were repeated breaches of the conditions of the premises licence.
 - In the view of West Mercia Police, the lack of training was a fundamental requirement especially in respect of the protecting children from harm licensing objective.
 - The DPS had limited involvement in the running of the business. The staff employed were not sure when the DPS would be on site.
 - The premises were located close to a large primary school and future education facilities.
 - West Mercia Police had no confidence that the premises licence holder would be promoting the four licensing objectives.
 - When West Mercia Police had passed the property on numerous occasions, the same member of staff had been on the premises.
 - As the premises licence holder was infrequently on the premises, the only way they could arrange to see him was through an appointment.
 - Trading Standards' view was that due to the evidence of the breaches from the police, they had no confidence that the premises licence holder would promote the licensing objective, in particular the one in connection with preventing children from harm.
 - Both West Mercia Police and Trading Standards were supportive of the request by the Licensing Authority to revoke the licence.

The sub committee then heard from the premises licence holder who apologised. This was the first time they had owned a shop and that as soon as they were made aware of issues had tried to correct them. The premises licence holder indicated that they had lost approximately £20k to £25k in running the shop. They had only started their own business as a way to support their family. If the sub-committee were not happy with the sale of alcohol, they would be happy not to do so. The premises licence holder also indicated that they would be selling the shop after Christmas.

The meeting was adjourned to allow the principal licensing officer and the premises licence holder to talk about surrendering the premises licence.

Following the adjournment, the principal licensing officer confirmed that that the premises licence holder had surrendered his premises licence with immediate effect.

The committee carefully considered all the representations, reports and evidence before them today. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's statement of licensing policy.

DECISION

The sub committee's decision following a review of the premises licence was that as the licence had been surrendered with immediate effect, there was now no premises licence to review.

REASONS

The sub committee had taken into account all the statements from the parties present and that as the licence had been surrendered with immediate effect, there was no licence to review.